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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1294 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT MINERAL DEVELOPMENT CORPORATION LIMITED

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1294 of 2001

MR AS VAKIL for Petitioner No. 1

MR PR ABICHANDANI, AGP for Respondent No. 1-2,4

MR PV HATHI for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 15/02/2005

ORAL JUDGEMENT

#. In this petition filed under Article 226/227 of the

Constitution of India, the petitioner - Gujarat Mineral Development Corporation Limited, a Government of Gujarat enterprise has challenged the legality and validity of the order passed by the Secretary (Appeals), Revenue Department, State of Gujarat dated 21.11.2000 in Revision Application No.1 of 2000 as well as the notices issued by respondent No.3 dated 1.9.1998 under Section 152 of the Bombay Land Revenue Code.

#. It appears from the record that the dispute is between two Government organizations, i.e. Gujarat Mineral Development Corporation Limited, a Government of Gujarat enterprise and Taluka Development Officer, Lakhpat, Dayapar and State Government. In view of the decision of the Supreme Court reported in 1995 Suppl. (4) SCC 541, decision in the case of ONGC Vs. Collector, Central Excise, reported in (2004) 6 SCC 437 as well as the decision reported in AIR 2004 SC 2434, when there is a dispute between two Government authorities and/or Government companies / enterprises and the State Government and/or authority under the State Government, the dispute is first required to be resolved by the High Powered Committee and only after the High Powered Committee gives its sanction to prosecute the litigation, then and then only the proceedings can be continued and/or maintainable.

#. Under the circumstances, the dispute raised in the present petition is referred to the High Powered Committee and the Chief Secretary, State of Gujarat, Secretary, Industry, Mines and Energy Department and the Secretary, Revenue Department, Gandhinagar are directed to consider the grievance which is raised in the present petition and shall resolve the dispute within a period of three months from the date of receipt of the writ of this order in consultation with the petitioner as well as Taluka Development Officer, Lakhpat - Dayapara. Ad-interim relief granted earlier is directed to be continued till the appropriate decision is taken by the High Powered Committee within a stipulated time.

#. With these observations and directions, the present special civil application is disposed of. Rule is discharged with no order as to costs.

(M.R.Shah,J)

(pathan)